


**CITY COUNCIL ACTION REQUEST**

<b>Department(s):</b> Environmental Services	<b>CEQA:</b> Not a Project, File No. PP17-003, Agreements/	<b>Coordination:</b> Finance, CMO - Budget Office, CAO, and the	<b>Dept. Approval:</b> /s/ Kerrie Romanow
<b>Council District(s):</b> Citywide	Contracts (New or Amended) resulting in no physical changes to the environment	Treatment Plant Advisory Committee	<b>CMO Approval:</b>  5/11/2022

**SUBJECT: AMENDMENT TO MASTER CONSULTANT AGREEMENT WITH CDM SMITH FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES AT THE SAN JOSE-SANTA CLARA REGIONAL WASTEWATER FACILITY CAPITAL IMPROVEMENT PROGRAM**

**RECOMMENDATION:**

Approve the first amendment to the 9438 - Master Consultant Agreement (Agreement) with CDM Smith, Inc. (CDM) for construction management and inspection services to alter authorized travel expenses with no increase to the maximum total compensation.

**BASIS FOR RECOMMENDATION:**

On September 22, 2020, the City of San José (City) entered an Agreement with CDM to provide construction management and inspection services for various projects. The Agreement currently allows the City to reimburse CDM for certain commuting expenses for onsite staff, including lodging and ground transportation. To encourage the use of local consultant staff, airfare is not a reimbursable commuting expense. The City is currently negotiating a service order for CDM to provide the services of an onsite Deputy Principal Construction Manager (DPCM).

To date, CDM has been able to provide onsite construction management staff with commute arrangements reimbursable by the Agreement. The individual that CDM is proposing for the DPCM position has a commute that includes air flights. Due to the expertise required for this position, staff believes the reimbursement of these additional commute expenses is acceptable.

The proposed amendment will allow staff to reimburse CDM for the cost of twice-monthly round-trip airfare from the DPCM's home city to the Regional Wastewater Facility. This term is identical to the agreement term that City Council previously approved for CDM's construction manager for the Headworks Project. Due to a discrepancy in the timing of this proposed amendment and the needed start of DPCM services, the proposed amendment would become effective as of May 1, 2022 to allow staff to reimburse CDM for the airfare costs incurred prior to this City Council meeting. CDM has agreed that it will not invoice the City and the City is not obligated to pay for any airfare costs incurred unless and until City Council approves the amendment to the Agreement.

Climate Smart San José: The recommendation in this memorandum has no effect on Climate Smart San José energy, water, or mobility goals.

Commission Recommendation/Input: This item is scheduled to be heard at the May 19, 2022 Treatment Plant Advisory Committee meeting. A supplemental memorandum with the committee's recommendation will be included in the amended June 7, 2022 City Council meeting agenda.

**COST AND FUNDING SOURCE:**

No funding is needed to approve the amendment to the Agreement.

**FOR QUESTIONS CONTACT:** Napp Fukuda, ESD Assistant Director at (408) 973-5353